

EXPRESS MAIL NO. EL988724743US
DEPOSITED ON: September 12, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder

Atty. Dkt. No. 8403.951

Application No.: Not Yet Assigned

Art Unit: 3643

Filed: Herewith

Examiner: J. Gellner

For: DECORATIVE FLORAL ASSEMBLY (As Corrected)

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449 (Modified)
3. ☒ Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☒ Copies of Listed Information Items Accompanying this Statement
6. ☒ Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

☒ [X] A completed Form 1449 (Modified) is attached hereto.

☐ [] No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned

above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/328,089, filed on December 28, 2002 (date).

(complete the following, if applicable)

- [] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

The references that were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application.

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

☒ Exception(s) to above:

☒ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

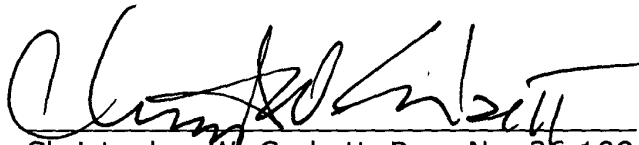
The person making this statement is the attorney who signs below on the basis of the information:

☐ supplied by the inventor(s)

☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).

☒ in the attorney's file

Respectfully submitted,



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Agent for Applicant

FORM PTO-1449 <small>(Fill-A-Form 7.92)</small> INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	Attorney's Docket Number 8403.951	Serial Number Not Yet Assigned
		Applicant Donald E. Weder	
		Filing Date Herewith	Group 3721

U. S. PATENT DOCUMENTS													
EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		1	2	0	6	7	0	8	11/28/16	Hutchins			
		1	4	4	6	5	6	3	02/27/23	Hughes			
		1	6	1	0	6	5	2	12/14/26	Bouchard			
		1	6	9	7	7	5	1	01/01/29	Blake			
		1	9	6	4	8	8	7	07/03/34	Lovett, Jr.	47	37	
		1	9	8	8	8	8	6	01/22/35	Wilson	47	37	
		1	9	9	4	9	6	2	03/19/35	Rushfeldt	47	37	
		2	0	3	9	9	8	6	05/1936	Gardner	47	84	
		2	0	7	9	1	1	6	05/04/37	Gardner	53	397x	
		2	0	9	7	9	2	9	11/1937	Lovett, Jr.	47	72	
		2	1	5	2	6	4	8	04/04/39	Jones	47	34	
		2	2	0	9	7	7	8	07/30/40	Krasowski	41	10	
		2	2	7	4	5	2	6	02/24/42	Bunn	100	31	
		2	3	0	2	2	5	9	11/17/42	Rothfuss	41	10	
		3	0	9	3	4	4	8	06/1963	Kirkpatrick et al.	264	272.11	
		2	3	4	0	3	7	3	02/01/44	Gardner	206	423x	
		2	5	1	4	0	3	8	07/04/50	Doolittle	226	129	
		2	7	7	4	1	8	7	12/18/56	Smithers	47	41	
		2	8	5	0	8	4	2	09/09/58	Eubank, Jr.	47	58	
		2	9	8	9	8	2	8	06/27/61	Warp	53	390	
		3	0	2	2	6	0	5	02/27/62	Reynolds	47	58	
		3	0	7	3	0	6	2	01/15/63	Hoffman	47	41	
		3	2	7	1	9	2	2	09/13/66	Wallerstein et al.	53	3	

U. S. PATENT DOCUMENTS													
EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		3	3	1	6	6	7	5	05/02/67	Cartwright, Jr.	47	37	
		3	3	7	6	6	6	6	09/09/68	Leonard	47	41	
		3	4	3	1	7	0	6	03/11/69	Stuck	53	390	
		3	5	3	1	9	1	0	10/06/70	Snead	53	135	
		3	5	5	4	4	3	4	01/12/71	Anderson	229	55	
		3	5	5	6	3	8	9	01/19/71	Gregoire			
		3	7	4	8	7	8	1	07/31/73	Erling	47	34.11	
		3	8	6	9	8	2	8	03/11/75	Matsumoto	47	34.11	
		3	9	6	2	5	0	3	06/08/76	Crawford	53	397x	
		3	9	7	4	7	6	2	08/17/76	Kita et al.	100	9	
		4	0	0	6	5	6	1	02/08/77	Thoma et al.	47	58	
		4	0	9	1	9	2	5	05/30/78	Griffo et al.	206	423	
		4	1	1	8	8	9	0	10/10/78	Shore	47	28	
		4	1	8	9	8	6	8	02/26/80	Tymchuck et al.	47	84	
		4	2	1	6	6	2	0	08/12/80	Weder et al.	47	72	
		4	2	8	0	3	1	4	07/28/81	Stuck	53	241	
		4	3	0	0	3	1	2	11/17/81	Weder et al.	47	72	
		4	3	3	3	2	6	7	06/08/82	Witte	47	84	
		4	4	0	0	9	1	0	08/30/83	Koudstaal et al.	47	84	
		4	4	1	3	7	2	5	11/08/83	Bruno et al.	206	45.33	
		4	6	2	1	7	3	3	11/11/86	Harris	206	423	
		4	6	4	6	4	7	0	03/03/87	Maggio	47	76	
		4	7	3	3	5	2	1	03/29/88	Weder et al.	53	580	
		4	7	7	3	1	8	2	09/27/88	Weder et al.	47	72	
		4	8	0	1	0	1	4	01/31/89	Meadows	206	423	
		4	8	3	5	8	3	4	06/06/89	Weder	29	525	
		4	9	0	1	4	2	3	02/20/90	Weder	29	432	

U. S. PATENT DOCUMENTS

EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4	9	4	1	5	7	2	07/17/90	Harris	206	423	
		5	0	7	7	9	3	7	01/07/92	Weder et al.	47	72	
		5	0	8	5	0	0	3	02/04/92	Garcia	47	72	
		5	1	0	5	5	9	9	04/21/92	Weder	53	399	
		5	1	1	1	6	3	8	05/12/92	Weder	53	397	
		5	1	2	0	3	8	2	06/09/92	Weder	156	212	
		5	1	8	1	3	6	4	01/26/93	Weder	53	397	
		5	1	9	9	2	4	2	04/06/93	Weder	53	397	
		5	2	2	8	2	3	4	07/20/93	de Klerk et al.	47	47.01	
		5	2	3	1	7	9	4	08/03/93	Weder et al.	47	72	
		5	2	3	5	7	8	2	08/17/93	Landau	47	72	
		5	2	3	9	7	7	5	08/31/93	Landau	47	72	
		5	3	5	2	5	7	5	10/11/94	Stepanek	53	461	
		5	3	6	1	4	8	2	11/08/94	Weder	53	397x	
		5	3	6	9	9	3	4	12/06/94	Weder	53	397x	
		5	4	1	0	8	5	6	05/1995	Weder et al.	53	397	
		5	5	0	1	0	5	9	03/1996	Weder et al.	53	397	
		5	5	1	5	6	4	4	05/1996	Weder et al.	47	41	
		5	6	1	5	5	3	2	04/1997	Weder et al.	53	399	
		5	6	4	7	1	8	9	07/1997	Weder et al.	53	399	
		5	8	9	0	3	4	3	04/1999	Weder et al.	53	399	
		6	0	1	8	9	0	8	02/01/00	Charrin et al.	47	41.01	
		6	1	0	1	7	8	9	08/2000	Weder et al.	53	399	
		6	2	6	9	6	1	1	08/2001	Weder et al.	53	399	
		6	3	4	5	4	8	8	02/2002	Weder et al.	53	399	
		6	5	1	3	3	0	4	02/2003	Weder et al.	53	399	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAM INIT.		DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation	
													YES	NO
		9	8	5	2	0	4	8	04/1998	Australia				
				1	5	5	5	0	07/29/1899	United Kingdom				
				2	8	3	2	2	12/24/07	United Kingdom				
		1	2	0	4	6	4	7	09/09/70	United Kingdom				
		0	1	6	3	4	5	3	12/04/85	EPO				
		1	0	8	4	8	8	8	01/25/55	France				
		1	3	9	3	7	2	5	02/15/65	France				
		2	0	3	6	1	6	3	12/24/70	France				
		2	2	7	2	9	1	4	12/26/75	France				
		2	6	1	9	6	9	8	03/03/89	France				
		2	6	5	1	6	6	3	03/15/91	France				
		2	7	3	4	4	6	4	05/24/95	France			X	
			3	4	5	4	6	4	12/12/21	Germany				
			5	1	3	9	7	1	12/05/30	Germany				
		1	1	6	6	6	9	2	03/26/64	Germany				
		2	9	4	8	2	6	5	05/07/81	Germany				
		8	9	0	5	2	5	0	05/10/89	Germany				
		9	3	1	5	9	7	9	08/19/93	PCT				
			5	6	0	5	3	2	02/28/75	Switzerland				

OTHER MATERIALS

(Including, Author, Title, Date, Relevant Pages, Place of Publication.**)

"Target Halloween Sales With Highlander", Brochure, Highland Supply Corporation, 1992.

"Speed Sheets and Speed Rolls", Brochure, Highland Supply Corporation, 1991, 2 pages.

"The Simple Solution For Those Peak Volume Periods", Brochure, Highland Supply Corporation, 1989, 6 pages.

"Cellocoup - It's A Wrap", The John Henry Company, 1992, 4 pages.

EXAM INIT.		OTHER MATERIALS <small>(Including, Author, Title, Date, Relevant Pages, Place of Publication.**)</small>	
		"Color them Happy with Highlander products", Advertisement, 1992.	
		Oasis Grower Products; Smithers-Oasis; Kent, OH; 1991	
		"A World Of Cut Flower And Pot Plant Packaging", Brochure, Klerk's Plastic Products Manufacturing, Inc., date unknown, 6 pages. Applicant admits that the products described in this brochure have been on sale at least more than one year prior to the filing of the present patent application.	
EXAMINER		DATE CONSIDERED	
<small>EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.</small>			